

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**HERIBERTO PEREZ AGUILAR
AND ELENA SOTO AGUILAR
Plaintiffs,**

VS.

**MARLENE HEBERT,
Defendant.**

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CIVIL ACTION NO. 4:20-CV-04049

PLAINTIFFS' RULE 26(A) INITIAL DISCLOSURES

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, Plaintiffs. HERIBERTO PEREZ AGUILAR AND ELENA SOTO AGUILAR make the following initial disclosures:

(A) FED. R. CIV. P. 26(a) (1) (A) (i)

the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claim or defenses, unless the use would be solely for impeachment.

RESPONSE:

**Heriberto Perez Aguilar and
Elena Soto Aguilar**
c/o Christopher Ngo
LAW OFFICES OF DOMINGO GARCIA, LLP
6200 Gulf Freeway, Ste. 410
Houston, Texas 77023
Telephone: (713) 349-1500

Plaintiffs. They are expected to testify about their pre-Incident conditions and life, the Incident and their post-Incident conditions and life. Also expected to testify as to events leading up to the Incident.

Marlene Hebert
c/o Teresa J. Del Valle
MEYNIER, REESE, LIVER & MATTE
2707 North Loop West, Suite 100

Houston, Texas 77008
P: 713-354-4510
F: 866-842-6388

Defendant. Expected to have knowledge about the Incident, the events leading up to the Incident.

Officer X. Gregg Badge No. 9936
Houston Police Department
1200 Travis Street
Houston, Texas 77002
Telephone: (713) 884-3131
Investigating Officer.

Owner, representatives, agent and custodian of records

Best Auto Storage
6125 Industrial Way
Houston, Texas 77011
Phone: (713) 221-1747

Storage company that held/stored Plaintiffs' vehicle when towed from scene of accident.

Luis F Medina TDLR#4625
custodian of records, agents, representatives, owner
Select Towing
4655 Wild Indigo
Houston, TX 77027
Phone: (713) 322-7000

Tow company that towed Plaintiffs' vehicle from scene of accident; has knowledge and information regarding the Plaintiffs' property damage.

Listed below are Plaintiffs' medical providers:

HERIBERTO PEREZ AGUILAR:

City of Houston FD EMS
1801 Smith St., 8th Fl
Houston, TX 77002
Telephone: (832) 394-6800
Jordan Morales #150197, EMT
Ramiro Revilla #118973, EMT
James Paulk #125026, EMT
Jeremy Smith #162706, EMT

St. Joseph Medical Center

1401 St. Joseph Pkwy.

Houston, TX 77002

Telephone: (713) 766-5619

Mike J Shin, MD

Moinul Islam, PA

Anoop Mathew RN

Karin A Mccann, RN

Samuel Feris

Amir H Rassoli, DO

Francisco M Cavallo, MD

Roland Cortez, MD

Angelica Flores, Rad Tech

West Houston Radiology Associates

2190 N. Loop W, Suite 250

Houston, Texas 77018

Telephone: (281) 206-9050

Francisco M Cavallo, MD

Roland Cortez, MD

St. Joseph Emerg Physicians, PLLC

200 Corporate Boulevard

Lafayette, LA 70508

Telephone: (800) 893-9698

Mike J Shin, MD

United Rehabilitation & Chiropractic Clinic

2606 Telephone Rd.

Houston, Texas 77023

Telephone: (346) 319-5745

Dr. Monique Lee, D.C.

One Step Diagnostic

11221 Katy Freeway, Suite 201

Houston, Tx 77079

Telephone: 713-461-7272

Chad Porter, MD

Matthew Dang, MD

Premium Interventional Pain Management

2105 Jackson Street, 1st Floor

Houston, TX 77003-5839

Telephone: (713) 571-8141

Paolo Briones, NP-C

ELENA SOTO AGUILAR:

City of Houston FD EMS

1801 Smith St., 8th Fl

Houston, TX 77002

Telephone: (832) 394-6800

Jordan Morales #150197, EMT

Ramiro Revilla #118973, EMT

James Paulk #125026, EMT

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1401 St. Joseph Pkwy.

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Francisco M Cavallo, MD

Roland Cortez, MD

Angelica Flores, Rad Tech

Melanie C. Dahse, MD

Yvonne Anaya

West Houston Radiology Associates

2190 N. Loop W, Suite 250

Houston, Texas 77018

Telephone: (281) 206-9050

Francisco M Cavallo, MD

Roland Cortez, MD

Melanie C. Dahse, MD

St. Joseph Emerg Physicians, PLLC

200 Corporate Boulevard

Lafayette, LA 70508

Telephone: (800) 893-9698

Mike J Shin, MD

Melanie C. Dahse, MD

Community Pathology Associates
P.O. Box 4677
Houston, Texas 77210-4697
Telephone: (877) 257-4123
Syed Quadri, MD
Moinul Islam, PA
Mike Shin, MD

United Rehabilitation & Chiropractic Clinic
2606 Telephone Rd.
Houston, Texas 77023
Telephone: (346) 319-5745
Dr. Monique Lee, D.C.

Premium Interventional Pain Management
2105 Jackson Street, 1st Floor
Houston, TX 77003-5839
Telephone: (713) 571-8141
Paolo Briones, NP-C

Any witness later discovered to have relevant knowledge of any issue related to this litigation.

Any and all other healthcare providers, treating physicians, chiropractors, mental health professionals, physical therapists and/or nurses which treated Plaintiffs and the custodians of record for healthcare providers, treating physicians, chiropractors, mental health professionals, physical therapists and/or nurses which treated Plaintiffs.

Any witnesses identified by any other party in discovery.

Plaintiffs reserve the right to elicit, by way of cross-examination, opinion testimony from other party's witnesses. Plaintiffs express their intention to possibly call, as witnesses associated with adverse parties, any other party's witnesses.

Plaintiffs reserve the right to designate, to call, and/or question any party's experts, and reserve the right to call those experts on all issues material to the facts of this case. Plaintiffs reserve also the right to call any rebuttal expert witnesses or any impeaching witness whose testimony cannot be anticipated before the time of trial and/or as should become necessary in the trial of this cause.

Additionally, Plaintiffs reserve the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of fact, and which would not violate any existing Court Order, the Federal Rules of Civil Procedure, or the Federal Rules of Evidence.

Finally, if additional witnesses are revealed during the final stages of discovery, then Plaintiffs reserve the right to supplement and/or amend these disclosures.

(B) FED. R. CIV. P. 26(a)(1)(A)(ii)

a copy of – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE: See medical and billing records obtain in admissible form, property damage photographs and Texas Peace Officer's Crash Report. Said documents will be provided to Counsel for Defendants via email, E-serve and/or DropBox.

(C) FED. R. CIV. P. 26(a)(1)(A)(iii)

a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE: Plaintiffs seek general damages for past and future physical and mental pain, physical impairment, disfigurement and mental anguish. Additionally, Plaintiffs seek to recover special or compensatory damages, including reasonable and necessary medical expenses in the past and those reasonably expected to incur in the future.

Heriberto Perez Aguilar Medical Providers:

	<u>Charges</u>	<u>Paid</u>	<u>Balance</u>
City of Houston EMS	\$ 1,890.76	\$84.19/adj. \$1506.57	\$ 300.00
St. Joseph Medical Center	\$14,440.77		\$14,440.77
St. Joseph Emergency Physicians	\$ 2,172.00		\$ 2,172.00
West Houston Radiology	\$ 558.00		\$ 558.00
United Rehabilitation and Chiropractic	\$ 5,152.33		\$ 5,152.33
One Step Diagnostic	\$ 7,000.00		\$ 7,000.00
Pain Interventional Pain Management	\$ 400.00		\$ 400.00
Total Paid vs Incurred			\$30,053.10

Elena S. Aguilar Medical Providers

	<u>Charges</u>	<u>Paid</u>	<u>Balance</u>
City of Houston EMS	\$ 1,890.76		\$ 1,890.76
St. Joseph Medical Center	\$17,826.68		\$17,826.68
Community Pathology Associates	\$ 27.15		\$ 27.15
St. Joseph Emergency Physicians	\$ 2,172.00		\$ 2,172.00
West Houston Radiology			
c/o Singleton Associates PA	\$ 628.00		\$ 628.00
United Rehabilitation and Chiropractic	\$ 5,448.33		\$ 5,448.33

Pain Interventional Pain Management	\$ 400.00	\$ 400.00
Total Paid vs Incurred		\$28,392.92

In addition, Plaintiffs' claims for damages include damages that are non-economic, intangible and unliquidated (such as past and future physical pain and suffering, mental anguish, physical impairment, disfigurement). Plaintiffs are not required to have personal opinion on the amount or offer any testimony on a specific amount of damages for these intangibles. These items of damages are uniquely within the purview of the Arbitrator/jury. *Baylor Plaza Medical Services Corp. v. Kidd*, 834 S.W.2d 69, 78 (Tex.App.-Texarkana 1992, writ den'd).

(D) FED. R. CIV. P. 26(a) (1)(A) (iv)

For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: None.

Respectfully submitted,

LAW OFFICES OF DOMINGO GARCIA, LLP.

6200 Gulf Freeway, Suite 410
Houston, Texas 77023
Telephone: (713) 349-1500
Facsimile: (713) 432-7785

/s/ Christopher Ngo

CHRISTOPHER NGO

State Bar No. 24105692

Federal ID: 3590881

E-Serve: cngo@millerweisbrod.com

E-serve: vle@millerweisbrod.com

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on the 26th day of March 2021, a true and correct copy of the foregoing Plaintiffs' Rule 26(A) Initial Disclosures were served on counsel of record in this action by ECF Filing and/or E-Serve, properly addressed to:

E-Serve Email: HoustonHC@progressive.com

Teresa J. Del Valle

MEYNIER, REESE, LIVER & MATTE

2707 North Loop West, Suite 100

Houston, Texas 77008

/s/ Christopher Ngo

CHRISTOPHER NGO